

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA-197-1995 (O&M)

Date of Decision:-02.05.2018.

Suresh Kumar

.....Appellant

Versus

C.A.S.S. Village Roharjangir, P.O. Devinagar and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Amit Kohar, Advocate for the appellant.

Mr. Mukesh Verma, Advocate for
Mr. Ashish Gupta, Advocate for the respondents.

P.B. BAJANTHRI, J. (Oral)

On 23.04.2018, following order was passed:-

“Short question for consideration in the present appeal is whether appellant is entitled to salary/pay during the period from 1.1.1987 to 31.5.1988 or not? Undisputedly, appellant's services have been terminated on 1.6.1988 and it has not been challenged. In the absence of holding of inquiry in respect of denial of salary, respondent cannot resort to withhold salary of an employee like the appellant. Matter is of the year 1995. If there is no assistance from the respondents on the next date of hearing, appeal would be allowed to the extent that appellant is entitled to salary from 1.1.1987 to 31.5.1988.

List this matter on 02.05.2018.”

of the appeal to the extent that Exhibit D-25 to D-35 are related to the appellant by which he has been extended the benefit of salary from the month of September, 1983 to December, 1987. Perusal of Exhibit D-25 to D-35, it is evident that there is no specific bill relating to month and year 1987 and 1988 for which appellant has been paid salary for the aforesaid period. Therefore, an inference is required to be drawn to the extent that appellant is entitled to salary for the period from 1.1.1987 to 31.05.1988. Accordingly, Trial and Appellate Court judgments dated 24.11.1992 and 04.10.1994, respectively are modified to the extent that appellant is entitled to salary for the period from 1.1.1987 to 31.5.1988. Respondents are hereby directed to calculate and disburse the arrears of salary for the period from 1.1.1987 to 31.05.1988 along with interest @ 6% per annum.

Petition stands allowed.

(P.B. BAJANTHRI)
JUDGE

May 02, 2018.
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Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.